



RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE – EXAMINING GROUP 1650

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David A. Tirrell
Application No. : 10/015,956
Filed : December 10, 2001
For : FUSION PROTEIN MICROARRAYS AND METHODS OF USE

Examiner : Agnes Beata Rooke
Art Unit : 1656
Docket No. : 110197.403
Date : January 4, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR 1.116

Commissioner for Patents:

In response to the Office Action dated August 4, 2006, please extend the period of time for response 2 months, to expire on January 4, 2007. Enclosed are a Petition for an Extension of Time and the requisite fee.

As an initial matter, Applicant respectfully requests the Examiner to withdraw the finality of the August 4, 2006 Office Action and re-open prosecution in the present application. Applicant's basis for this request relies on the fact that it is respectfully submitted that the Office has twice misread the language format of the composition formulas recited in the rejected claims. Applicant submits the misreading of the claims has not allowed for proper examination of the claims, and thus render the finality of the August 4, 2006 Office Action premature according to MPEP 706.07. As such, Applicant respectfully requests the finality of the Office Action be withdrawn and prosecution be re-opened.

Remarks begin on page 6 of this paper.